

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,  
ex rel. DJAE PARTNERSHIP, et al.,

Plaintiffs,

Civil Action No. 11-11242-DJC

v.

AMGEN, INC.,

Defendant.

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**STIPULATION AND ORDER OF DISMISSAL**

1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and various state false claims acts and in accordance with the terms and conditions of the Settlement Agreements among the United States, the named Plaintiff States (the “States”), Amgen Inc. (“Amgen”), and Relators DJAE Partnership, *et al.* (the “Settlement Agreements”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all civil monetary claims asserted on behalf of the United States and the States against Amgen concerning the Covered Conduct as defined in Preamble Paragraphs F and G of the Settlement Agreements, (2) dismissing without prejudice to the United States and the States and with prejudice to Relator(s) as to all other claims against Amgen, and (3) dismissing with prejudice all claims asserted against Amgen on behalf of Relator under 31 U.S.C. § 3730(d) with respect to attorney’s fees.

Stipulation and Order of Dismissal Against Amgen Inc., *United States ex rel. DJAE Partnership v. Amgen Inc., et al.*, Civil Action No. 11-11242-DJC

costs and expenses. This dismissal is without prejudice to the right of the Relator in the above-captioned matter to reinstate these proceedings on written notice to the Court for the limited purpose of asserting Relator's rights to a relator's share payment from the United States contemplated by the Settlement Agreements to which Relator is a party and this Court reserves jurisdiction for these purposes.

2. In the event this matter is reinstated by Relator, the rights of the Relator under 31 U.S.C. §3729 *et seq.* are hereby fully preserved as they existed prior to the dismissal of this action, including, but not limited to, Relator's rights under 31 U.S.C. § 3730(b)(5), §3730(d), § 3730(e), and § 3731(b).

Dated: Boston, Massachusetts

November 7, 2013

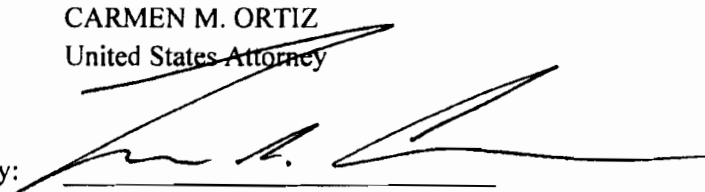
Respectfully submitted,

For the United States:

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Assistant Attorney General, Civil Division

CARMEN M. ORTIZ  
United States Attorney

By:

  
ZACHARY A. CUNHA  
Assistant United States Attorney

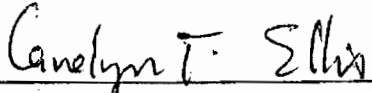
JOHN HENEERY  
Attorney, Civil Division  
U.S. Department of Justice

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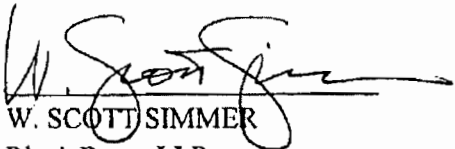
For the  
Named States:

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By:

  
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For Relator:

  
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For Amgen:

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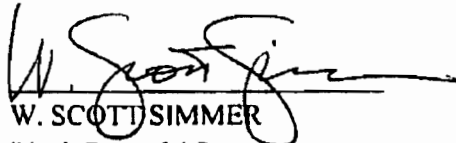
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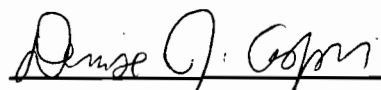
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SO ORDERED:

Boston, Massachusetts

December 2, 2013

A handwritten signature in cursive script, reading "Denise J. Casper", is written over a horizontal line.

HONORABLE DENISE J. CASPER

United States District Judge